**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPLICATION No. 2499 of 2007.**

Baban Hindurao Ingale Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr R. V. Gupta, Advocate for the applicant.

Mr M. H. Mhatre, A.P.P for the State.

**CORAM: V.C. DAGA,J.**
**DATED: 10th August, 2007.**

**P.C.:-**

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in C.R. No.35 of 2007 registered with Pnahala Police Station, District Kolhapur for the offence punishable under Sections 302, 201, read with Section 34 of the I.P.C.

4. According to the learned counsel for the applicant, except the statements of the wife and father of the deceased Pandit Ganpatrao Bhosale that the present applicant was having grudge against the deceased for not giving him jaggery wash (i.e. chemical used in manufacture of jaggery) there is no other evidence. According to him, there is no

further evidence against the present applicant to detain him in jail. No other witness has implicated the present applicant. The submission is that this cannot result in denial of bail.

5. In the present case, the investigation is over and the charge-sheet has been filed. There is no recovery at the instance of the applicant, nor any incriminating articles have been seized by police from the applicant. There are no criminal antecedents against the applicant.

6. Under the above circumstances, I am inclined to grant bail to the applicant on following terms and conditions:-

a] The applicant arrested in connection with C.R.No.35/2007 registered with Panhala Police Station, shall be enlarged on bail in the sum of Rs. 25,000/-with one or two sureties in the like amount.

b] He shall report to Panhala Police Station once in a week i.e. Saturday in between 3.00 to 5.00 p.m. till conclusion of the trial.

c] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not, in any manner, tamper with the prosecution evidence.

d] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. Application is disposed of in above terms.

**(V.C. DAGA,J.)**